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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,260	11/29/2000	Masako Wakisaka	P107314-00017	8875

7590

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EXAMINER

VU, NGOC K

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,260

Applicant(s)

WAKISAKA ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 2/9/05 have been fully considered but they are not persuasive.

Applicant argues that the combination of Hendricks and Ozawa neither anticipates nor renders obvious the claimed invention. Examiner respectfully disagrees.

The Hendricks reference discloses that the graphical and textual components of menus in compressed format are stored in the memory in the set top terminal, e.g., non-volatile RAM or EPROM/EEPROM (see col. 42, lines 31-36; col. 19, lines 35-38). Furthermore, the compressed graphical and textual components are decompressed and used to assist in creating the menus (see col. 19, lines 30-42; col. 43, lines 32-51). Hendricks does not explicitly teach decompressing and expanding the compressed data in the volatile memory at the time of initially starting the receiver. However, Ozawa suggests that at the time of switching on the power supply or starting the program, unwinding (e.g., decompressing or expanding) the compressed data stored in an EEPROM and then writing the unwound/decompressed data in a RAM (see col. 5, lines 5-15 and 37-43). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Hendricks by decompressing the compressed data and/or expanding the decompressed data in RAM at the time of starting the receiver or the power supply is switched on as suggested by Ozawa in order to effectively maximize the memory capacity with less cost.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Therefore, the rejection for claim 1 is sustained based on the supportive reasons above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 6,515,680 B1) in view of Ozawa et al. (US 5,978,012).

Regarding **claim 1**, Hendricks discloses a digital television broadcasting receiver (set top terminal 220) comprising: a control section (microprocessor – see figures 5a-b) for controlling the whole of the receiver (set top terminal), and a program memory (e.g., memory 628) comprising a nonvolatile memory (e.g., nonvolatile RAM or EPROM/EEPROM) for storing program data for the control section (it is noted that “program data” or instructions/routines for instructing the microprocessor on the location of each graphic file on the screen are stored in memory within the set top terminal 220, wherein the memory 628 within the set top terminal comprises non-volatile RAM or EPROM/EEPROM – see col. 19, lines 28-30; col. 42, lines 58-67; col. 19, lines 17-18) and character and figure data used for drawing various types of operation screens (graphical and textual components of menus are stored in the memory in the set top terminal, e.g., non-volatile RAM or EPROM/EEPROM – see col. 21, lines 28-32; col. 19, lines 28-30), and a volatile memory (e.g., RAM) storing various types of data (storing menu templates such as menu background, television logo, cursor highlight overlay...etc in volatile memory in the set top terminal 220 – see col. 11, line 63 to col. 12, line 6), wherein

stored in said nonvolatile memory as the character and figure data used for drawing the operation screens are data obtained by compressing the character and figure data (it is noted that the graphical and textual components of menus in compressed format are stored in the

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memory in the set top terminal, e.g., non-volatile RAM or EPROM/EEPROM – see col. 42, lines 31-36; col. 19, lines 35-38).

Hendricks further discloses that the compressed graphical and textual components are decompressed and used to assist in creating the menus (see col. 19, lines 30-42; col. 43, lines 32-51).

Hendricks does not explicitly disclose the feature of decompressing and expanding the compressed data in the volatile memory at the time of initially starting the receiver. However, Ozawa suggests that at the time of switching on the power supply or starting the program, unwinding (e.g., decompressing or expanding) the compressed data stored in an EEPROM and then writing the unwound/decompressed data in a RAM (see col. 5, lines 5-15 and 37-43). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Hendricks by decompressing the compressed data and/or expanding the decompressed data in RAM at the time of starting the receiver or the power supply is switched on as suggested by Ozawa in order to effectively maximize the memory capacity with less cost.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2611

June 20, 2005